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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,918	08/20/2003	Ryoichi Nozawa	116886	4772

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EXAMINER

ZIMMERMAN, GLENN

ART UNIT PAPER NUMBER

2879

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,918	Applicant(s) NOZAWA, RYOICHI	
	Examiner Glenn Zimmerman	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☒ Claim(s) 1-6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I claims 1-6 and 13 in Paper No. 0505 is acknowledged. The traversal is on the ground(s) that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims and that the search of the entire application could be made without serious burden. This is not found persuasive, because any one of the following conditions, which are separate statutory classifications of invention, separate status in the art when they are classifiable together and different fields of search, are indicia of an undue burden. In this instance the condition of separate statutory classifications of invention has been met. See MPEP 803(B) and 808.02.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

Claims 1-6 and 13 are objected to because of the following informalities: In claim 1 line 5, the examiner suggests changing "part" to - - parts - -. Appropriate correction is required.

Claims 2-6 and 13 are objected for depending from an objected base claim.

Specification

The disclosure is objected to because of the following informalities: In paragraph 36, the examiner suggests mentioning drawings 6A, 6B and 6C. In paragraph 37, the examiner suggests mentioning drawings 7A, 7B and 7C. In paragraph 38, the examiner suggests mentioning drawings 8A, 8B and 8C. In paragraph 39, the examiner suggests mentioning drawings 9A, 9B and 9C.

Appropriate correction is required.

The substitute specification of December 10, 2003 has been okayed to enter.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2879

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Murade/Muraide Japanese Patent Application Publication 2001-166311.

Regarding claim 1, Murade discloses an electro-optical device **(title)** having functional elements **(drawings 6, 9, 10 or 11 area of ref. 9a pixel electrode counter electrode ref. 21)** and power connection parts **(high concentration drain field ref. 1e; 1st storage capacitance electrode and ref. 6a data line in drawing 10)** that supply power to the function elements on a substrate **(substrate ref. 10)**, comprising: concave parts **(slot ref. 201' or slot where ref. 6a is located in drawing 10)** formed in a material layer **(insulator layer ref. 12' or interlayer insulating film ref. 4)** provided on the substrate, the concave part disposing the power connection parts therein **(one can see that the concavities disclose several power connection parts)**.

Regarding claim 2, Murade discloses the electro-optical device according to claim 1, the concave parts being formed in an insulating layer **(insulator layer ref. 12' or interlayer insulating film ref. 4)** provided on the substrate.

Regarding claim 3, Murade discloses the electro-optical device according to claim the concave parts being formed in a tapered shaped **(slot ref. 201' or slot where ref. 6a is located in drawing 10)** being narrower toward the substrate.

Regarding claim 4, Murade discloses the electro-optical device according to claim 1, a top face of the material layer in which the concave parts are formed being

Art Unit: 2879

substantially continuous with top faces of the power connection parts disposed in the concave parts **(see drawing 10 ref. 6a or Drawing 11 ref. 1e and 1f)**.

Regarding claim 5, Murade discloses the electro-optical device according to claim 1, at least a portion of each of the function elements is being overlapped with each of the power connection parts **(From drawing 10 one can see that there is some overlap of 9a; with 6a and 3b and there is also some overlap in drawing 11. Also drawing 9 shows some overlap)**.

Regarding claim 13, Murade discloses an electronic apparatus equipped with the electro-optical device according to claim 1 **(Drawing 17 personal computer ref. 1200)**.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyser et al. U.S. Patent 6,075,317.

Regarding claim 1, Keyser et al. disclose an electro-optical device **(title)** having functional elements **(Fig. 3 and 14 ref. 142 area; pixels abstract)** and power connection parts **(control circuitryref. 105)** that supply power to the function elements **(ref. 114)** on a substrate **(ref. 102)**, comprising: concave parts **(hole where ref. 105 is placed)** formed in a material layer **(dielectric material layer ref. 104)** provided on the substrate, the concave part disposing the power connection parts therein **(Fig. 3 and 14)**.

Regarding claim 2, Keyser et al. disclose the electro-optical device according to claim 1, the concave parts being formed in an insulating layer **(ref. 104 dielectric material layer)** provided on the substrate.

Art Unit: 2879

Regarding claim 4, Keyser et al. disclose the electro-optical device according to claim 1, a top face of the material layer in which the concave parts are formed being substantially continuous with top faces of the power connection parts disposed in the concave parts **(ref. 105 is flush with ref. 104 in Figures 3 and 14)**.

Regarding claim 5, Keyser et al. disclose the electro-optical device according to claim 1, at least a portion of each of the function elements is being overlapped with each of the power connection parts **(Fig. 3 and 14 clearly shows overlap)**.

Regarding claim 6, Keyser et al. disclose an electro-optical device according to claim 1, the functional elements being organic electroluminescent elements **(ref. 134 organic materials)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murade/Muraide Japanese Patent Application Publication 2001-166311 in view of Uemura et al. U.S. Patent 5,821,003

Regarding claim 6, Murade teaches all the limitations of claim 6, but fail to teach the functional elements being organic electroluminescent elements. Uemura et al. in

Art Unit: 2879

the analogous art teach the functional elements being organic electroluminescent elements **(title; col. 8 line 9)**. Additionally, Uemura et al. teach incorporation of such a functional elements being organic electroluminescent to improve luminance by providing high luminance at a lower voltage than conventional inorganic electroluminescent device and it is possible to make devices that have multi-color **(col. 2 lines 40-47)** and possible to make displays **(col. 8 line 9)**.

Consequently it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the functional elements being organic electroluminescent elements in the display elements of Murade, since such a modification would improve luminance by providing high luminance at a lower voltage than conventional inorganic electroluminescent device and it is possible to make devices that have multi-color and possible to make displays as taught by Uemura et al.

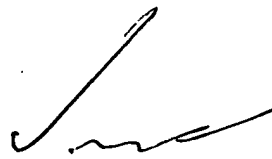
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (571) 272-2466. The examiner can normally be reached on M-W 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Glenn Zimmerman


Vip Patel
Primary Examiner
AU 2879